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Attorneys for Defendant Fresh 'N Healthy, Inc.
(Specially Appearing)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

ASA FARMS, INC., a California
corporation and BRAGA RANCH,

Plaintiff(s).

v.

FRESH 'N HEALTHY, INC., a Delaware
corporation, MARK WILLIAMS, an
individual; JACK PARSON, an individual;
STEVEN CINELLI, an individual; CHAD
HAGEN, an individual, SANTOS
MARTINEZ, an individual; DON BEAM,
an individual; DARRYL NICHOLSON, an
individual; RICHARD MAY, an individual;
THOMAS COLOGNA, an individual;
PRESTWICK PARTNERS, LLC, a
California limited liability company;
SOLSTICE VENTURE PARTNERS, LLC,
a business entity form unknown;
VFINANCE INVESTMENTS, a business
entity form unknown; FMP VINEYARD,
LLC, a New Mexico limited liability
company; BUTTONWOOD OPTION, LLC,
a business entity form unknown; DW, LLC,
a business entity form unknown; M
SOLAZZO TRUST 2002; P. SOLAZZO
1998; GIBBONS FAMILY TRUST;
BIXLER TRUST; STEIGERWALD TRUST
and CARTER TRUST, and DOES 1 through
50, inclusive,

Defendant(s).

Case No. C08-00122 PVT

Certificate of Service
(SPECIALLY APPEARING)

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I am a citizen of the United States and employed in Santa Clara County. I am over the age of eighteen years and not a party to the above-entitled action; my business address is 19400 Stevens Creek Boulevard, Suite 200, Cupertino, CA 95014-2548.

On March 5, 2008, at my place of business, I served a true and correct copy of the following document(s):

1. **DEFENDANT'S RESPONSE TO OBJECTION TO STIPULATION TO MODIFY PRELIMINARY INJUNCTION; AND**
2. **DECLARATION OF RUSSELL K. BURBANK IN SUPPORT OF DEFENDANT'S RESPONSE TO OBJECTION TO STIPULATION TO MODIFY PRELIMINARY INJUNCTION;**

in the manner indicated below:

☒ By mail by enclosing said document(s) in an envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid, addressed as follows:

Kelly McCarthy Sutherland
Kenneth Gorman
James Washburn Sullivan
Lombardo & Gilles, LLP
318 Cayuga Street
Salinas, CA 93901

Effie F. Anastassiou
Anastassiou & Associates
242 Capitol Street
PO Box 2210
Salinas, CA 93902

Robert E. Izmirian
Buchalter Nemer
333 Market St., 25th Floor
San Francisco, CA 94105

☐ By facsimile transmission sending a true copy of the said document(s) to the person(s) indicated below to the following receiving station(s):

☐ By overnight delivery depositing the said document(s) in a sealed overnight delivery envelope, designated for overnight delivery, with all delivery charges prepaid, with an authorized representative addressed as follows:

☐ By hand delivery personally delivering or arranged to have personally delivered the said document(s) to the person(s) indicated below in a manner provided by law, by leaving the said document(s) at the office(s) or usual place(s) of business, during usual business hours, of the said person(s) with a clerk or other person who was apparently in charge thereof and at least 18 years of age, who was informed of the contents (as indicated):

☐ By e-mail transmission sending a true copy of the said document(s) to the person(s) indicated below:

This Certificate was executed on March 5, 2008 at Cupertino, Santa Clara County, California. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Priscilla Teague
Priscilla Teague